



ZFW

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Junichiro HAYANO et al.

Group Art Unit: 3736

Application No.: 10/822,843

Examiner: K. TOTH

Filed: April 13, 2004

Docket No.: 119405

For: METHOD AND APPARATUS FOR ASSESSING VASCULAR ENDOTHELIAL  
FUNCTION

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

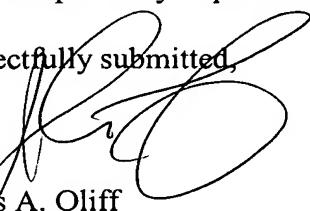
Sir:

In reply to the April 4, 2006 Restriction Requirement, Applicants provisionally elect Group II, claims 9-13, corresponding to original claims 9-13, with traverse.

It is also respectfully submitted that the subject matter of all Group is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining group. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

John W. Fitzpatrick  
Registration No. 41,018

JAO:JWF/ldg

Date: May 2, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461